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Direct democracy

Direct democracy or **pure democracy** is a form of <u>democracy</u> in which people decide on policy <u>initiatives</u> directly. This differs from the majority of currently established democracies, which are representative democracies. The theory and practice of direct democracy and participation as its common characteristic was the core of work of many theorists, philosophers, politicians, and social critics, among whom the most important is <u>Jean Jacques</u> Rousseau, John Stuart Mill, and <u>G.D.H. Cole.^[1]</u>

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Overview



A <u>Landsgemeinde</u>, or assembly, of the <u>canton of</u> <u>Glarus</u>, on 7 May 2006, <u>Switzerland</u>.

In a <u>representative democracy</u> people vote for representatives who then enact policy initiatives.^[2] In direct democracy, people decide on policies without any intermediary. Depending on the particular system in use, direct democracy might entail passing executive decisions, the use of <u>sortition</u>, making <u>laws</u>, directly electing or dismissing officials, and conducting <u>trials</u>. Two leading forms of direct democracy are <u>participatory</u> <u>democracy</u> and <u>deliberative democracy</u>.

<u>Semi-direct democracies</u>, in which representatives administer day-to-day governance, but the citizens remain the sovereign, allow for three forms of popular action: referendum (plebiscite), initiative, and recall. The first two forms—referendums and initiatives—are examples of direct legislation.^[3] As of 2019, thirty countries allowed for referendums initiated by the population on the national level.^[4]

A **compulsory referendum** subjects the legislation drafted by political elites to a binding popular vote. This is the most common form of direct legislation. A **popular referendum** empowers citizens to make a petition that calls existing legislation to a vote by the citizens. Institutions specify the timeframe for a valid petition and the number of signatures required, and may require signatures from diverse communities to protect minority interests.^[3] This form of direct democracy effectively grants the voting public a <u>veto</u> on laws adopted by the elected legislature, as in <u>Switzerland</u>.^{[5][6][7][8]}

A **citizen-initiated referendum** (also called an <u>initiative</u>) empowers members of the general public to propose, by petition, specific statutory measures or constitutional reforms to the government and, as with other referendums, the vote may be binding or simply advisory. Initiatives may be direct or indirect: with the direct initiative, a successful proposition is placed directly on the ballot to be subject to vote (as exemplified by California's system).^[3] With an indirect initiative, a successful proposition is first presented to the legislature for their consideration; however, if no acceptable action is taken after a designated period of time, the proposition moves to direct popular vote. Constitutional amendments in Switzerland, Liechtenstein or Uruguay go through such a form of indirect initiative.^[3]

A <u>deliberative referendum</u> is a referendum that increases public deliberation through purposeful institutional design.

Power of recall gives the public the power to remove elected officials from office before the end of their designated standard term of office.^[9]

History

The earliest known direct democracy is said to be the <u>Athenian democracy</u> in the 5th century BC, although it was not an inclusive democracy in that it excluded women, <u>slaves</u> and non-Athenians. The main bodies in the Athenian democracy were the <u>assembly</u>, composed of male citizens; the <u>boulê</u>, composed of 500 citizens; and the law courts, composed of a massive number of jurors chosen by lot, with no judges. There were only about 30,000 male citizens, but several thousand of them were politically active in each year and many of them quite regularly for years on end. The Athenian democracy was *direct* not only in the sense that decisions were made by the assembled people, but also in the sense that the people through the assembly, boulê, and law courts controlled the entire political process, and a large proportion of citizens were involved constantly in public affairs.^[10] Most modern democracies, being representative, not direct, do not resemble the Athenian system.

Also relevant to the history of direct democracy is the history of <u>Ancient Rome</u>, specifically the <u>Roman</u> <u>Republic</u>, traditionally beginning around 509 BC.^[11] Rome displayed many aspects of democracy, both direct and indirect, from the era of <u>Roman monarchy</u> all the way to the collapse of the <u>Roman Empire</u>. Indeed, the <u>Senate</u>, formed in the first days of the city, lasted through the Kingdom, Republic, and Empire, and even continued after the decline of Western Rome; and its structure and regulations continue to influence legislative bodies worldwide. As to direct democracy, the ancient Roman Republic had a system of citizen lawmaking, or citizen formulation and passage of law, and a citizen veto of legislature-made law. Many historians mark the end of the Republic with the passage of a law named the *Lex Titia*, 27 November 43 BC, which eliminated many oversight provisions.^[11]

Modern-era citizen-lawmaking occurs in the cantons of <u>Switzerland</u> from the 13th century. In 1847 the Swiss added the "statute referendum" to their national constitution. They soon discovered that merely having the power to veto Parliament's laws was not enough. In 1891 they added the "constitutional amendment initiative". Swiss politics since 1891 have given the world a valuable experience-base with the national-level constitutional amendment initiative.^[12] In the past 120 years, more than 240 initiatives have been put to referendums. The populace has proven itself conservative, approving only about 10% of these initiatives; in addition, they have often opted for a version of the initiative rewritten by the government. (See "Direct democracy in Switzerland" below.)^{[5][6][7][8]}

Modern Direct Democracy also occurs within the <u>Crow Nation</u>, a Native American Tribe in the United States of America. The tribe is organized around a General Council formed of all voting-age members. The General Council has the power to create legally-binding decisions through referendums. The General Council was first enshrined in the 1948 Crow Constitution and was upheld and re-instated with the 2002 Constitution.^[13]

Some of the issues surrounding the related notion of a direct democracy using the <u>Internet</u> and other communications technologies are dealt with in the article on <u>e-democracy</u> and below under the heading <u>*Electronic direct democracy*</u>. More concisely, the concept of <u>open-source governance</u> applies principles of the <u>free-software movement</u> to the governance of people, allowing the entire populace to participate in government directly, as much or as little as they please.^[14]

Direct democracy is the basis of <u>anarchist</u> and <u>left-libertarianism</u> <u>political thought</u>.^{[15][16][17]} Direct democracy has been championed by anarchist thinkers since its inception with direct democracy as a political theory has largely been influenced by Anarchism.^{[18][19]}

Examples

Early Athens

Athenian democracy developed in the <u>Greek city-state</u> of <u>Athens</u>, comprising the city of Athens and the surrounding territory of <u>Attica</u>, around 600 BC. Athens was one of the <u>first known democracies</u>. Other Greek cities set up democracies, and even though most followed an Athenian model, none were as powerful, stable, or well-documented as that of Athens. In the direct democracy of Athens, the citizens did not nominate representatives to vote on legislation and executive bills on their behalf (as in the United States) but instead voted as individuals. The <u>public opinion</u> of voters was influenced by the <u>political satire</u> of the <u>comic poets</u> in the theatres.^[20]

<u>Solon</u> (694 BC), <u>Cleisthenes</u> (608–607 BCE), and <u>Ephialtes</u> (562 BC) all contributed to the development of Athenian democracy. Historians differ on which of them was responsible for which institution, and which of them most represented a truly democratic movement. It is most usual to date Athenian democracy from Cleisthenes since Solon's constitution fell and was replaced by the tyranny of <u>Peisistratus</u>, whereas Ephialtes revised Cleisthenes' constitution relatively peacefully. <u>Hipparchus</u>, the brother of the tyrant <u>Hippias</u>, was killed by <u>Harmodius and Aristogeiton</u>, who were subsequently honored by the Athenians for their alleged restoration of Athenian freedom.

The greatest and longest-lasting democratic leader was <u>Pericles</u>; after his death, Athenian democracy was twice briefly interrupted by an oligarchic revolution towards the end of the <u>Peloponnesian War</u>. It was modified somewhat after it was restored under <u>Eucleides</u>; the most detailed accounts are of this 4th-century

modification rather than of the Periclean system. It was suppressed by the <u>Macedonians</u> in 322 BC. The Athenian institutions were later revived, but the extent to which they were a real democracy is debatable.^[21]

Switzerland

The pure form of direct democracy exists only in the <u>Swiss cantons</u> of <u>Appenzell Innerrhoden</u> and <u>Glarus</u>.^[22] The <u>Swiss Confederation</u> is a semi-direct democracy (representative democracy with strong instruments of direct democracy).^[22] The nature of direct democracy in Switzerland is fundamentally complemented by its federal governmental structures (in <u>German</u> also called the Subsidiaritätsprinzip).^{[5][6][7][8]}

Most western countries have representative systems.^[22] <u>Switzerland</u> is a rare example of a country with instruments of direct democracy (at the levels of the municipalities, <u>cantons</u>, and <u>federal state</u>). Citizens have more power than in a representative democracy. On any political level citizens can propose changes to the constitution (<u>popular</u> <u>initiative</u>), or ask for an <u>optional referendum</u> to be held on any law voted by the <u>federal</u>, <u>cantonal</u> parliament and/or <u>municipal</u> legislative body.^[23]

The list for <u>mandatory</u> or optional referendums on each political level are generally much longer in Switzerland than in any other country; for example, any amendment to the constitution must automatically be voted on by the Swiss electorate and cantons, on cantonal/communal levels often any financial decision of a certain substantial amount decreed by legislative and/or executive bodies as well.^[23]

Swiss citizens vote regularly on any kind of issue on every political

In Switzerland, with no need to register, every citizen receives the ballot papers and information brochure for each vote and election and can return it by post. Switzerland has various directly democratic instruments; votes are organized about four times a year. Here, the papers received by every Berne's citizen in November 2008 about five national, two cantonal, four municipal referendums, and two elections (government and parliament of the City of Berne) of 23 competing parties to take care of at the same time.

level, such as financial approvals of a schoolhouse or the building of a new street, or the change of the policy regarding sexual work, or on constitutional changes, or on the foreign policy of Switzerland, four times a year.^[24] Between January 1995 and June 2005, Swiss citizens voted 31 times, on 103 federal questions besides many more cantonal and municipal questions.^[25] During the same period, French citizens participated in only two referendums.^[22]

In <u>Switzerland</u>, simple majorities are sufficient at the municipal and <u>cantonal</u> level, but at the federal level double majorities are required on constitutional issues. [12]

A double majority requires approval by a majority of individuals voting, and also by a majority of cantons. Thus, in Switzerland, a citizen-proposed amendment to the federal constitution (i.e. <u>popular initiative</u>) cannot be passed at the federal level if a majority of the people approve but a majority of the cantons disapprove.^[12] For referendums or propositions in general terms (like the principle of a general revision of the Constitution), a majority of those voting is sufficient (Swiss Constitution, 2005).

In 1890, when the provisions for Swiss national citizen lawmaking were being debated by civil society and government, the Swiss adopted the idea of double majorities from the <u>United States Congress</u>, in which House votes were to represent the people and Senate votes were to represent the <u>states</u>.^[12] According to its supporters, this "legitimacy-rich" approach to national citizen lawmaking has been very successful. Kris Kobach claims that Switzerland has had tandem successes both socially and economically which are matched by only a few other nations. Kobach states at the end of his book, "Too often, observers deem Switzerland an

oddity among political systems. It is more appropriate to regard it as a pioneer." Finally, the Swiss political system, including its direct democratic devices in a <u>multi-level governance</u> context, becomes increasingly interesting for scholars of European Union integration.^[26]

Paris Commune

In 1871 after the establishment of the Paris Commune, the Parisians established a decentralized direct system of government with appointed organizers to make sense of the largely spontaneous uprising. While it still refused women the right to vote, they were heavily involved in the consensus before votes took place. Everything from the military to when meetings took place was democratized, and such decentralization and aforementioned democratization led many members of the First Internationale to regard the Paris Commune as a stateless society.

Due to the short lifespan of the Commune, only one citywide election was held and the structures necessary to facilitate future organized elections on large scales was largely nonexistent. However, the influence of direct democratization in the Paris Commune is not to be understated.

United States

In the <u>New England</u> region of the United States, towns in states such as <u>Vermont</u> decide local affairs through the direct democratic process of the town meeting. $\frac{[27]}{}$ This is the oldest form of direct democracy in the United States, and predates the founding of the country by at least a century.

Direct democracy was not what the framers of the <u>United States Constitution</u> envisioned for the nation. They saw a danger in <u>tyranny of the majority</u>. As a result, they advocated a <u>representative democracy</u> in the form of a constitutional republic over a direct democracy. For example, <u>James Madison</u>, in <u>Federalist No. 10</u>, advocates a constitutional republic over direct democracy precisely to protect the individual from the will of the majority. He says,

Those who hold and those who are without property have ever formed distinct interests in society. Those who are creditors, and those who are debtors, fall under a like discrimination. A landed interest, a manufacturing interest, a mercantile interest, a moneyed interest, with many lesser interests, grow up of necessity in civilized nations, and divide them into different classes, actuated by different sentiments and views. The regulation of these various and interfering interests forms the principal task of modern legislation and involves the spirit of party and faction in the necessary and ordinary operations of the government.

[...]

[A] pure democracy, by which I mean a society consisting of a small number of citizens, who assemble and administer the government in person, can admit no cure for the mischiefs of faction. A common passion or interest will be felt by a majority, and there is nothing to check the inducements to sacrifice the weaker party. Hence it is, that democracies have ever been found incompatible with personal security or the rights of property; and have, in general, been as short in their lives as they have been violent in their deaths.^[28]

John Witherspoon, one of the signers of the Declaration of Independence, said: "Pure democracy cannot subsist long nor be carried far into the departments of state – it is very subject to caprice and the madness of popular rage." <u>Alexander Hamilton</u> said, "That a pure democracy, if it were practicable, would be the most

perfect government. Experience has proved that no position is more false than this. The ancient democracies in which the people themselves deliberated never possessed one good feature of government. Their very character was tyranny; their figure, deformity."^[29]

Despite the framers' intentions at the beginning of the republic, ballot measures and their corresponding referendums have been widely used at the state and sub-state level. There is much state and federal <u>case law</u>, from the early 1900s to the 1990s, that protects the people's right to each of these direct democracy governance components (Magleby, 1984, and Zimmerman, 1999). The first <u>United States Supreme Court</u> ruling in favor of the citizen lawmaking was in *Pacific States Telephone and Telegraph Company v. Oregon*, 223 U.S. 118 in 1912 (Zimmerman, December 1999). <u>President Theodore Roosevelt</u>, in his "Charter of Democracy" speech to the 1912 <u>Ohio</u> constitutional convention, stated: "I believe in the Initiative and Referendum, which should be used not to destroy representative government, but to correct it whenever it becomes misrepresentative."^[30]

In various states, referendums through which the people rule include:

- Referrals by the legislature to the people of "proposed constitutional amendments" (constitutionally used in 49 states, excepting only <u>Delaware</u> – Initiative & Referendum Institute, 2004).
- Referrals by the legislature to the people of "proposed statute laws" (constitutionally used in all 50 states Initiative & Referendum Institute, 2004).
- Constitutional amendment initiative is a constitutionally-defined petition process of "proposed constitutional law", which, if successful, results in its provisions being written directly into the state's constitution. Since constitutional law cannot be altered by state legislatures, this direct democracy component gives the people an automatic superiority and sovereignty, over representative government (Magelby, 1984). It is utilized at the state level in nineteen states: Arizona, Arkansas, California, Colorado, Florida, Illinois, Louisiana, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon and South Dakota (Cronin, 1989). Among these states, there are three main types of the constitutional amendment initiative, with different degrees of involvement of the state legislature distinguishing between the types (Zimmerman, December 1999).
- Statute law initiative is a constitutionally-defined, citizen-initiated petition process of "proposed statute law", which, if successful, results in law being written directly into the state's statutes. The statute initiative is used at the state level in twenty-one states: Alaska, Arizona, Arkansas, California, Colorado, Idaho, Maine, Massachusetts, Michigan, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Utah, Washington and Wyoming (Cronin, 1989). Note that, in Utah, there is no constitutional provision for citizen lawmaking. All of Utah's I&R law is in the state statutes (Zimmerman, December 1999). In most states, there is no special protection for citizen-made statutes; the legislature can begin to amend them immediately.
- Statute law referendum is a constitutionally-defined, citizen-initiated petition process of the "proposed veto of all or part of a legislature-made law", which, if successful, repeals the standing law. It is used at the state level in twenty-four states: Alaska, Arizona, Arkansas, California, Colorado, Idaho, <u>Kentucky</u>, Maine, <u>Maryland</u>, Massachusetts, Michigan, Missouri, Montana, Nebraska, Nevada, <u>New Mexico</u>, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Utah, Washington and Wyoming (Cronin, 1989).
- The <u>recall election</u> is a citizen-initiated process which, if successful, removes an elected official from office and replaces him or her. The first recall device in the United States was adopted in Los Angeles in 1903. Typically, the process involves the collection of citizen petitions for the recall of an elected official; if a sufficient number of valid signatures are collected and verified, a recall election is triggered. In U.S. history, there have been three gubernatorial recall elections in U.S. history (two of which resulted in the recall of the governor) and 38 recall elections for state legislators (55% of which succeeded).

Nineteen states and the <u>District of Columbia</u> have a recall function for state officials. Additional states have recall functions for local jurisdictions. Some states require specific grounds for a recall petition campaign.^[31]

Statute law affirmation is available in Nevada. It allows the voters to collect signatures to place on the ballot a question asking the state citizens to affirm a standing state law. Should the law get affirmed by a majority of state citizens, the state legislature will be barred from ever amending the law, and it can be amended or repealed only if approved by a majority of state citizens in a direct vote.^[32]

Zapatistas

<u>Territories held by the Zapatistas</u> in <u>Mexico</u> also employ elements of direct democracy. At a local level, people attend a <u>general assembly</u> of around 300 families where anyone over the age of 12 can participate in decision-making, these assemblies strive to reach a <u>consensus</u> but are willing to fall back to a majority vote. Each community has 3 main administrative structures: (1) the *commissariat*, in charge of day-to day administration; (2) the *council for land control*, which deals with forestry and disputes with neighboring communities; and (3) the *Agencia*, a community police agency. The communities form a federation with other communities to create autonomous municipalities, which form further federations with other municipalities to create a region. The Zapatistas are composed of five regions, in total having a population of around 300,000 people.

Rojava

In Syrian Kurdistan, in the cantons of <u>Rojava</u>, a new model of polity is exercised by the Kurdish freedom movement, that of <u>Democratic confederalism</u>. This model has been developed by <u>Abdullah Öcalan</u>, the leader of the <u>Kurdistan Workers' Party</u>, on the basis of the Kurdish revolutionary experience and traditions, and of the theory of <u>Communalism</u> developed by <u>Murray Bookchin.^[33]</u> At the opposite of the <u>Nation-State</u> model of sovereignty, Democratic confederalism rests on the principle of radical self-government, where political decisions are taken in popular assemblies at the level of the commune, which will send delegates to the confederate level of the district and the canton.^[34] This bottom-up political structure coexists with the democratic self-administration, as organized in the <u>Charter of the Social Contract</u> adopted by the cantons of Rojava in 2014. These two structures constitute a situation characterized as one of dual power by <u>David</u> Graeber, though a peculiar one as they are both formed by the same movement.^[35]

Compared to other experiences categorized as ones of direct democracy such as <u>Occupy Wall Street</u>, the Rojava experiment presents only several elements of direct democracy, namely the organization of the self-governing communes in popular assemblies where everybody can participate, the confederation of these communes through imperative and recallable mandates, the rotation of charges (often biannually) and the absence of centralized power.^[36] In theory, Öcalan describes the principle of Democratic Confederalism as follows: "In contrast to a centralist and bureaucratic understanding of administration and exercise of power, confederalism poses a type of political self-administration where all groups of the society and all cultural identities can express themselves in local meetings, general conventions and councils.".^[37] In practice, Rojava is organized on a system of "Four-Level Councils": the Commune, the Neighborhood, the District, and the People's Council of West Kurdistan. Each level nominates delegates for the next level with imperative mandates as well as recallable mandates.^[36]

As democratic autonomy rests on the equal political engagement of members of the community, the Kurdish women's movement aims at changing the historical exclusion of women from the public sphere as well as at educating women, creating space where they can participate and produce their own decisions.^[38] This commitment to women's liberation is instantiated in the principle of dual leadership and 40 percent quota and in the many political spaces created for women's education as well as their political and economic

emancipation.^[39] Women are therefore fully included in the project of direct democracy. In order to contribute to their political emancipation, Kurdish women created a new science, Jineologî or "women's science", in order to give women access to knowledge, the very foundation of power in society.^[40] Moreover, political emancipation is not seen as sufficient to ensure women's liberation if it does not rest on the possibility of women for self-defense. Therefore, Kurdish women created the Women's Protection Units (YPJ) which forms, along with the People's Protection Units (YPG), the Kurdish armed forces.

The <u>Rojava</u> cantons are governed through a combination of district and civil councils. District councils consist of 300 members as well as two elected co-presidents- one man and one woman. District councils decide and carry out administrative and economic duties such as garbage collection, land distribution, and cooperative enterprises. [41] `

Crow Nation of Montana

Governing over the Crow Indian Reservation in Montana, the Crow General Council has been the legally recognized government of the tribe since 1948. The General Council is formed out of all voting-age members of the Tribe. Council members meet biannually to nominate members to various sub-councils. The General Council also has the power to pass legally binding referendums through a 2/3rds vote. The 2002 Constitution somewhat reduced the powers of the General Council through the creation of a distinct Legislative Branch. Under the 1948 Constitution, the General Council created and passed laws. Under the adopted 2002 Constitution, a distinct, elected Legislative Branch creates and passes laws, although the General Council can overturn these or pass its own laws through its referendum and initiative power.^[13]

Denmark

In 2016, the <u>Danish parliament</u> passed a law that created an <u>online</u> <u>citizens' initiative</u> system (borgerforslag) whereby eligible voters can propose bills. Proposals which gain the support of 50000 voters within 180 days are referred to Parliament for debate.

Democratic reform trilemma

Democratic theorists have identified a <u>trilemma</u> due to the presence of three desirable characteristics of an ideal system of direct democracy, which are challenging to deliver all at once. These three characteristics are *participation* – widespread participation in the decision making process by the people affected; *deliberation* – a rational discussion where all major points of view are weighted according to evidence; and *equality* – all members of the population on whose behalf decisions are taken have an equal chance of having their views taken into account. Empirical evidence from dozens of studies suggests deliberation leads to better decision making.^{[42][43][44]} The most popularly disputed form of direct popular participation is the referendum on constitutional matters.^[45]

For the system to respect the principle of political equality, either *everyone* needs to be involved or there needs to be a representative random sample of people chosen to take part in the discussion. In the definition used by scholars such as James Fishkin, deliberative democracy is a form of direct democracy which satisfies the requirement for deliberation and equality but does not make provision to involve everyone who wants to be included in the discussion. Participatory democracy, by Fishkin's definition, allows inclusive participation and deliberation, but at a cost of sacrificing equality, because if widespread participation is allowed, sufficient resources rarely will be available to compensate people who sacrifice their time to participate in the deliberation. Therefore, participants tend to be those with a strong interest in the issue to be decided and often will not therefore be representative of the overall population.^[46] Fishkin instead argues that random sampling should be used to select a small, but still representative, number of people from the general public.^{[9][42]}

Fishkin concedes it is possible to imagine a system that transcends the trilemma, but it would require very radical reforms if such a system were to be integrated into mainstream politics.

Electronic direct democracy

Relation to other movements

Anarchists have advocated forms of direct democracy as an alternative to the centralized state and capitalism; however, others (such as individualist anarchists) have criticized direct democracy and democracy in general for ignoring the rights of the minority, and instead have advocated a form of consensus decision-making. Libertarian Marxists, however, fully support direct democracy in the form of the proletarian republic and see majority rule and citizen participation as virtues. Libertarian socialists such as anarcho-communists and anarcho-syndicalists advocate direct democracy. The Young Communist League USA in particular refers to representative democracy as "bourgeois democracy". ^[47]



Practicing direct democracy – voting on Nuit Debout, Place de la République, Paris

In schools

<u>Democratic schools</u> modeled on <u>Summerhill School</u> resolve conflicts and make school policy decisions through full school meetings in which the votes of students and staff are weighted equally.^[48]

Contemporary movements

See also

- Cherán
- e-democracy
- Libertarian municipalism
- Libertarian socialism
- Liquid democracy
- Participatory budgeting
- Participatory economics
- Populism
- Proxy voting, esp. delegated voting
- Reform of the United Nations :United Nations Parliamentary Assembly, direct elected parliamentarians instead of administrations' diplomaticians and <u>United Nations Secretary-General</u> elect by popular vote.
- Semi-direct democracy
- Social democracy
- Sociocracy
- Soviet democracy
- Third International Theory

- Workers' councils
- <u>Criticism of democracy</u>

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